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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DALINA LAW GROUP, P.C. 7910 IVANHOE AVE. #325 LA JOLLA, CA 92037			BETIT, JACOB F	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,324

Applicant(s)

FRIGON, MARK

Examiner

Jacob F. Betit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 89-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 89-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. In response to communications filed on 28-July-2005, claims 1-88 are canceled and claims 91-105 are added per applicant's request. Claims 89-105 are presently pending in the application.

Claim Objections

2. Claims 92-93, 98-102, and 104-105 are objected to because of the following informalities:

Claims 92, 98-100 and 104 recite the limitation "at least one persons". The misspelled plural version of "person" should be replaced with the singular version (i.e. --at least one person--). Appropriate correction is required.

Claim 93 is objected to for being dependent on rejected dependent claim 92.

Claims 101-102 are objected to for being dependent on rejected independent claim 100.

Claim 105 is objected to for being dependent on rejected dependent claim 104.

3. Claim 99 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form. Claim 99, which depends on claim 105 recites the exact same limitations as claim 104 on which claim 105 depends. Since claim 99 indirectly depends from claim 104 and recites the exact same

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limitations it does not further limit the invention, is not in proper dependent form, and should be canceled or rewritten to depend from a different claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 89-91, 94-96, 98, 100, and 103 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumar (U.S. patent No. 6,556,709 B1).

As to claim 89, Kumar teaches in a computer system, a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising at least one object (see column 3, lines 9-22 and see figure 2, reference number 202);

presenting a client interface configured for a providing user to provide identifying information (see column 3, lines 22-26);

obtaining said identifying information from said providing user wherein said identifying information comprises information that uniquely relates to said at least one object in said image data (see column 3, lines 22-38 and see figure 2, reference number 204);

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storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single object with said at least one object (see column 3, lines 33-38 and see figure 2, reference numbers 214 and 216);

presenting a search interface to a searching user (see column 3, line 60 through column 4, line 5);

receiving a request for at least one search object within said image data from said searching user (see column 4, lines 3-5);

performing a query that returns at least one result image data comprising said at least one search object wherein said at least one result image; data comprises image data found in at least one album (see column 4, lines 5-19);

obtaining data associated with said at least one result image data from said at least one first computer in response to said request (see column 4, lines 13-19); and

presenting said at least one result image data to said searching user that initiated said request (see column 4, lines 13-19).

As to claim 90, Kumar teaches in a computer system, a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising at least one object (see column 3, lines 9-22 and see figure 2, reference number 202);

presenting a client interface configured for a providing user to provide identifying information (see column 3, lines 22-26);

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obtaining said identifying information from said providing, user wherein said identifying information comprises information that relates to said at least one object in said image data (see column 3, lines 22-38 and see figure 2, reference number 204);

storing said identifying information in at least one first computer (see column 3, lines 33-38 and see figure 2, reference number 204);

presenting a search interface to a searching user (see column 3, line 60 through column 4, line 5);

receiving a request for at least one image within said image data from said searching user, where said at least one image comprises at least one result object (see column 4, lines 3-5);

performing a query that returns at least one result object found in said image data (see column 4, lines 5-19); and

obtaining data associated with said at least one result object from said at least one first computer in response to said request (see column 4, lines 13-19).

As to claim 91, Kumar teaches further comprising:

obtaining corresponding identifying information associated with said at least one result object (see column 4, lines 3-5); and,

presenting said data associated with said at least one result object to said searching user that initiated said request (see column 4, lines 13-19).

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As to claim 94, Kumar teaches wherein said data associated with said at least one result object comprises a list (see figure 3, reference numbers 312 and 314, where it is inherent that if more than one image is displayed a list of images is displayed).

As to claim 95, Kumar teaches wherein said data associated with said at least one result object comprises a subset of said at least one image where said subset comprises said at least one object in said image data (see column 3, line 38 through column 4, line 19).

As to claim 96, Kumar teaches wherein said data associated with said at least one result object is displayed via a graphical user interface configured to display said at least one object (see column 4, lines 13-19, where it is inherent that the image would be identified via a graphical user interface).

As to claim 98, Kumar teaches in a computer system, a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising a set of at least one [person] (see column 2, line 62 through column 3, line 22 and see figure 2, reference number 202);

presenting a client interface configured for a providing user to provide identifying information associated with said image data (see column 3, lines 22-26);

obtaining said identifying information from said providing user wherein said identifying information comprises information that uniquely relates to said set of at least one [person] in said image data (see column 3, lines 22-38 and see figure 2, reference number 204);

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storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single person with said set of at least one [person] (see column 3, lines 33-38 and see figure 2, reference numbers 214-216);

presenting a search interface to a searching user (see column 3, line 60 through column 4, line 5);

receiving a request for at least one search person within said set of at least one [person] from said searching user (see column 4, lines 3-5);

performing a query that returns at least one result image data comprising said at least one search person wherein said at least one result image data comprises image data found in at least one album (see column 4, lines 5-19);

obtaining said at least one result image data from said at least one first computer in response to said request (see column 4, lines 13-19); and

presenting said at least one result image data to said searching user that initiated said request (see column 4, lines 13-19).

As to claim 100, Kumar teaches in a computer system, a method for obtaining and displaying information relating to the existence of at least one object in an image comprising:

obtaining image data comprising a set of at least one [person] (see column 2, line 62 through column 3, line 22 and see figure 2, reference number 202);

presenting a client interface configured for a providing user to provide identifying information associated with said image data (see column 3, lines 22-26);

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obtaining said identifying information from said providing user wherein said identifying information comprises information that relates to said set of at least one [person] in said image data (see column 3 lines 22-38 and see figure 2, reference number 204);

storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single person of said set of at least one [person] (see column 3, lines 33-38 and see figure 2, reference number 204);

receiving a request for at least one image within said image data (see column 4, lines 3-5);

performing a query that returns at least one result found in said image data wherein said at least one result comprises said at least one person (see column 4, lines 5-19);

obtaining said at least one result from said at least one first computer in response to said request (see column 4, lines 13-19);

obtaining corresponding identifying information associated with said at least one result (see column 3, lines 22-38 and see figure 2, reference number 204); and,

presenting said at least one result found in said at least one search image data and said corresponding identifying information see column 4, lines 13-19).

As to claim 103, Kumar teaches a system for obtaining and displaying information relating to the existence of at least one object in an image comprising:

means for obtaining image data comprising a set of at least one objects (see column 3, lines 9-22 and see figure 2, reference number 202);

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means for presenting a client interface configured for a providing user to provide identifying information associated with said set of at least one objects in said image data (see column 3, lines 22-26);

means for obtaining said identifying information from said providing user wherein said identifying information comprises information that relates to said at least one object in said image data (see column 3, lines 22-38 and see figure 2, reference number 204);

means for storing said identifying information in at least one first computer wherein said identifying information uniquely identifies a single object of said set of at least one objects (see column 3, lines 33-38 and see figure 2, reference numbers 214-216);

means for presenting a search interface to a searching user (see column 3, line 60 through column 4, line 5);

means for receiving via said search interface a request from said searching user for at least one object within said image data (see column 4, lines 3-5);

means for performing a query that returns at least one set of result image data wherein said at least one set of result image data comprises image data found in at least one album and having said at least one object (see column 4, lines 5-19);

means for obtaining said at least one set of result image data from said at least one first computer in response to said request (see column 4, lines 13-19);

means for obtaining corresponding identifying information associated with said at least one search object in said at least one set of result image data (see column 3, lines 22-38 and see figure 2, reference number 204); and,

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means for presenting via a graphical user interface said at least one set of result image data and said corresponding identifying information to said searching user that initiated said request (see column 4, lines 13-19).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 92-93, 97, 99, 101-102, and 104-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (U.S. patent No. 6,556,709 B1) in view of Burt (U.S. patent No. 5,063,603 B1).

As to claim 92, Kumar does not teach wherein said identifying information comprises location information that identifies coordinates of said set of at least one [person] in said image data.

Burt teaches this (see column 5, lines 56-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Kumar to include the teachings of Burt because these teachings would help provide the identity of the objects in the image after a series of calculations based on the change in distance and image orientation (see Burt, abstract)

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As to claim 93, Kumar as modified, teaches wherein said presenting step further comprises visibly presenting said identifying information with said at least one result at said coordinates in said image data (see Burt, column 10, lines 25-45).

As to claim 97, Kumar does not teach wherein said graphical user interface is further configured to display said corresponding identifying information with said at least one search object.

Burt teaches this (see column 10, lines 25-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Kumar to include the teachings of Burt because these teachings would tell the person looking at the GUI who or what the person or object in the image is (see Burt, abstract).

As to claim 99, Kumar as modified teaches wherein said identifying information comprises location information that identifies the coordinates of said set of at least one [person] in said image data (see the rejection of claims 104 and 105 below).

As to claim 101, Kumar does not teach wherein said identifying information comprises location information that identifies coordinates of said set of at least one [person] in said image data.

Burt teaches this (see column 5, lines 56-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Kumar to include the teachings of Burt because these teachings would help provide the identity of the

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objects in the image after a series of calculations based on the change in distance and image orientation (see Burt, abstract)

As to claim 102, Kumar as modified, teaches wherein said presenting step further comprises visibly presenting said identifying information with said at least one result at said coordinates in said image data (see Burt, column 10, lines 25-45).

As to claim 104, Kumar does not teach wherein said identifying information comprises location information that identifies coordinates of said set of at least one [person] in said image data.

Burt teaches this (see column 5, lines 56-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Kumar to include the teachings of Burt because these teachings would help provide the identity of the objects in the image after a series of calculations based on the change in distance and image orientation (see Burt, abstract)

As to claim 105, Kumar as modified, teaches wherein said means for presenting step further comprises visibly presenting said identifying information with said at least one result at said coordinates in said image data (see Burt, column 10, lines 25-45).

Response to Arguments

8. Applicant's arguments with respect to claims 89-105 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9 am to 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

jfb

13 Oct 2005



CHARLES RONES
SUPERVISORY PATENT EXAMINER